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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4112 OF 2019

SACCHIDANAND S/O TUKARAM ITEWAD

Age: 19 years, Occ: Student,

R/o. Digras, Post Digol,

Tq. Udgir, Dist. Latur

..PETITIONER

VERSUS

1. The State of Maharashtra
Tribal Development Department,
Mantralaya, Mumbai-32
Through its Secretary
2. The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad
Tq. & Dist. Aurangabad
Through its Member Secretary
3. Mahatma Phule Krishi Vidyapeeth,
Rahuri, Tq. Rahuri,
Dist. Ahmednagar
Through its Registrar
5. G.D. College of Food Technology,
Mohol, Tq. Mohol,
Dist. Solapur
Through its Principal

..RESPONDENTS

Mr Vivek U. Jadhav, Advocate for petitioner;

Mrs M.A. Deshpande, A.G.P. for respondent No.1 & 2

CORAM : PRASANNA B. VARALE

AND

SUNIL K. KOTWAL, JJ.

DATE : 29th MARCH, 2019

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ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. By the present petition, the petitioner is challenging the communication dated 16th March, 2019 issued by respondent No. 4.

3. Considering the grounds raised in the petition and prayers sought for, we deem it appropriate to dispose of the petition admission stage.

4. Issue notice to the respondents, returnable forthwith. Learned A.G.P. waives service of notice for respondent Nos. 1 and 2. As while issuing directions to respondent Nos. 2,3 and 4 of the same nature as issued by this Court in identical circumstances, it may not be necessary to issue notice to respondent Nos. 3 and 4.

5. The necessary facts can be summarized as

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follows :-

The petitioner claims to be a candidates belonging to 'Koli Mahadev, scheduled tribe'. The petitioner after completing 12th examination was admitted in Food Technology course in respondent No. 4 - college. When the petitioner was prosecuting his studies for class 12th Science, his claim was forwarded to the Scrutiny Committee through Principal, Shri Tripura Junior Science College, Latur dated 4th May, 2017. The claim was also submitted to the committee by adopting on line process and the committee accepted the claim on 8th May, 2017 and since then, the claim of the petitioner is pending for decision with respondent No. 2 - committee.

6. Learned Counsel appearing for the petitioner, by inviting our attention to the documents placed on record, submitted that there is sufficient material in support of the claim of the petitioner that he belongs to 'Mahadev Koli,

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scheduled tribe'. Our attention was also invited to the copy of the validity certificate granted in favour of the father of the petitioner by the committee on 29th April, 2011. Copy of the same is placed on record. The petitioner was faced with a communication dated 16th March, 2019 informing the petitioner that the petitioner failed to submit validity certificate till date and the application submitted by the petitioner to portal namely, 'mahadbt portal' was returned back on the ground of non submission of validity certificate and the petitioner is directed to pay tuition fees @ Rs.75,000/- per year for two years i.e. for academic years 2017-18 and 2018-19 i.e. total Rs.1,50,000/- till 31st March, 2019.

7. Learned Counsel for the petitioner submitted before us that for pendency of the claim of the petitioner before the committee and non decision of the committee, the petitioner cannot be held responsible and but for delay by the committee, the petitioner would be subjected to a

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great prejudice and sufferance depriving him from prosecuting his academic career. Learned Counsel then invited our attention to the orders of this Court to submit that the petitioner is identically circumstanced. These orders of this Court are dated 25th April, 2018 in Writ Petition No. 4204 of 2018, dated 15th February, 2019 in Writ Petition No. 2301 of 2019 and dated 26th February, 2019 in Writ Petition No. 2821 of 2019. In order dated 15th February, 2019 in Writ Petition No. 2301 of 2019 to which one of us was party (Prasanna B. Varale, J.) referred to Government Circular dated 29th March, 2017, wherein the State Government issued directions that the students should not be deprived of their academic course on account of failure to submit validity certificate.

8. Considering the above referred facts, we see no reason to take a different view than the view adopted by this Court in the orders referred to above.

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9. Accordingly, the petition is allowed in terms of prayer clause (C), subject to the petitioner filing of an undertaking to this Court within two weeks that if his claim is invalidated, he will pay full fees for all previous years. Upon filing of the said undertaking, full fees may not be insisted till validity proceeding is decided. The respondent - committee is directed to decide the claim of the petitioner as expeditiously as possible and not later than twelve weeks from the date of receipt of the order of this Court. We further make it clear that on decision of the committee, respondent Nos. 3 and 4 are liberty to take appropriate steps.

10. With these observations/directions, the petition is disposed of.

Registry to issue authenticated copy of this order to the parties.

(**SUNIL K. KOTWAL**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE